

Anti-Bribery and Corruption Policy

Organisation	Leeds Beckett University
Author(s)	Head of Regulatory Compliance & Assurance
Developed in consultation with	University Secretary University Executive Team
Owner	University Secretary's Office
Target audience	All colleagues, Board of Governors, Contractors and others performing work for or on behalf of the University.
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Approved by	Audit Committee
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Links to other internal policies / procedures	Financial Regulations – in particular the sections on Travel, Gifts and Hospitality, Purchasing, research grants and contracts. Procurement Procedures Conflicts of Interest Policy Whistleblowing Policy Counter Fraud Policy Ethics and Integrity Framework Online training relating to fraud, anti-bribery and cyber security.
Version reference	1.00
Version History - summary of changes	

A PDF copy of the final approved version should be forwarded to governance@leedsbeckett.ac.uk for inclusion in the policy register and consideration to the Publication Scheme. The original master copy should be retained on file by the policy owner.

Anti-Bribery and Corruption Policy

Introduction

1. The University is committed to operating in an honest and ethical manner. It has a zero-tolerance stance in relation to bribery and corruption and takes its responsibilities under the Bribery Act 2010 seriously.
2. Any allegations that a member of the University has acted in contravention of this policy will be treated seriously and investigated promptly and rigorously. Where necessary we will work with appropriate authorities and take disciplinary action where required..

Purpose and Scope

3. The purpose of this policy is to:
 - 3.1 provide guidance to colleagues make them aware of and able to identify risks relating to of bribery and corruption; and
 - 3.2 how to report them in line with University procedures.

Application

4. This policy applies to all colleagues of the University, this includes all individuals working within the University at all levels and grades, including officers, employees (whether permanent, fixed term or temporary), workers, trainees, seconded staff, agency staff, volunteers, interns or any other person working in any context within the University.
5. This policy also extends to individuals performing services for or on behalf of the University which may include University subsidiaries, recipients of grants, partners, collaborative arrangements, joint ventures, agents and advisors.

What is bribery?

6. The Bribery Act 2010 broadly defines bribery as the giving or receiving of a financial or other advantage with the intention of inducing or rewarding improper performance. Improper performance is where someone does not act in good faith and abuses their position of trust.
7. Bribery does not have to involve cash or an actual payment. It can take many forms including gifts, hospitality, vouchers, loans, discounts, preferential treatment or a business advantage.
8. Some examples of bribery that occur place in a University setting include:
 - bribery in order to secure or keep a contract.
 - bribery to gain any advantage over a competitor.
 - bribery obtain a place or qualification at University.
 - payments to facilitate the arrangement of visas, licences, speeding up of an application for overseas travel to carry out research, attend a conference or event etc.

9. The Bribery Act 2010 creates four offences:

9.1 Offering, promising or giving of a bribe – **active bribery**.

9.2 Requesting, agreeing to receive or accepting of a bribe – **passive bribery**.

9.3 **Bribing a foreign public official**

9.4 **Failure to prevent bribery** – this is a strict liability offence which applies to organisations such as the University where they fail to prevent bribery from occurring. Organisations can be found liable for the acts of people carrying out services on its behalf, including contractors, subsidiary companies and agents.

10. The maximum sentence is 10 years' imprisonment for individuals found guilty of committing such an offence and organisations are liable to an unlimited fine if they are found to have failed to prevent bribery.

Gifts and Hospitality

11. It is an offence under the Bribery Act 2010 for members of staff to accept corruptly any gift or consideration as an inducement or reward for doing, or refraining from doing, anything in an official capacity or showing favour or disfavour to any person in an official capacity.

12. The University's approach to Gifts and Hospitality is set out in its Financial Regulations which state that colleagues must not accept, gifts, rewards or hospitality from any organisation or individual or organisation where it could put them in a position where they might be deemed by others to have been influenced to make a business decision as a consequence of accepting such gift, reward or hospitality

13. Hospitality over a certain value must be declared to the Head of Procurement who will report such declarations annually to the UET. Further details are set out in the Financial Regulations.

14. Gifts over a certain value must be rejected. The receipt of all gifts must be approved and recorded by the Resource Centre Manager. Further details are set out in the Financial Regulations.

15. The University Secretary shall maintain a register of gifts and hospitality received by members of the Board of Governors where the value is in excess of the amounts set out in the Financial Regulations.

Facilitation payments

16. Facilitation payments are payments (which can be small) that are made to expedite routine government actions, but which are not a legal requirement. Making facilitation payments is

quite a common way of conducting business in some areas of the world but it is illegal under UK law if made by a UK based organisation.

17. The University does **not** permit facilitation payments to be made by it or on its behalf.
18. If you are asked to make a payment on behalf of the University, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for an invoice or statement which details the reason for the payment and act within the boundaries of your managerial authority and University financial regulations and procedure rules. If you have any suspicions, concerns or queries regarding a payment, you should raise these with your Line Manager, or your Dean or Director who will involve the Director of Finance or the University Secretary as necessary. Payments should be made in line with the University's Financial Regulations and cash payments should be avoided.

What is not acceptable?

19. It is not acceptable for you (or someone on your behalf) to:
 - (a) give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a commercial advantage will be received by you or the University, or to reward a commercial advantage already given to you or the University;
 - (b) give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure in the UK or overseas;
 - (c) accept payment from a third party that you know, or suspect is offered with the expectation that it will obtain a personal or commercial advantage for them;
 - (d) accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a contract or commercial advantage will be provided by the University in return;
 - (e) threaten or harass another worker or member of staff who has refused to commit a bribery offence or who has raised concerns under this Policy; or
 - (f) engage in any activity that might lead to a breach of this Policy.

Reporting concerns

20. Concerns relating to a breach or potential breach of this policy whether by should be reported immediately to your line manager or where appropriate with the University Secretary: University.Secretary@leedsbeckett.ac.uk
21. Concerns can also be raised under the University's Whistleblowing Policy in the knowledge that they will be treated in confidence and in accordance with the Public Interest and Disclosure Act 1998. Further information is set out in the University's Whistleblowing Policy and Procedure.

Assessing risk and due diligence

22. The University addresses the risk of bribery and corruption through its risk management processes. The University maintains a corporate risk register and risks registers are also kept at School and Service level.
23. In assessing risk, due regard must be given to business transactions where there may be particular risks, for example where third parties are acting on behalf of the University or where there are dealings with organisations or individuals [located in areas of the world where corruption is prevalent.](#)
24. The risk of bribery and corruption must be considered as part of due diligence undertaken prior to entering into a business or academic partnership, acknowledging that such due diligence should be proportionate. Due diligence checks for new suppliers are conducted by Procurement who issue potential suppliers with a questionnaire which, among other things, requires potential suppliers to self-certify that they have adequate fraud and anti-bribery measures in place. Due diligence is also carried out by colleagues responsible for the award of contracts, partnership agreements and the appointment of agents which check that adequate anti-bribery measures are in place.

Responsibilities/Duties

25. **All Colleagues** are responsible for:

- (a) Ensuring that they have read and understood the policy.
- (b) Ensuring that their conduct in carrying out their duties is honest and professional.
- (c) Reporting any actual or suspected breaches of this policy and assisting with any investigations.
- (d) Behaving in such a manner that does not give rise to suspicions of misconduct.
- (e) Completing mandatory training relating to anti-bribery.
- (f) Following the University's Financial Regulations and Procurement Procedures.

26. **Managers** are responsible for:

- (a) Ensuring that the colleagues that they manage are aware of the policy.
- (b) Ensuring that the colleagues that they manage complete mandatory training relating to anti-bribery, fraud and cyber security.
- (c) Considering bribery risks relevant to their area and how they can be mitigated.

27. **Colleagues with responsibility for the award of contracts and the appointment of agents** are responsible for:

- (a) Declaring any conflict of interest they may have in line with the University's Conflict of Interest Policy and associated procedures.
- (b) Conducting due diligence to ensure that they have adequate safeguards against the giving or receiving of bribes, and other corrupt practices.

28. **The University Secretary's Office** is responsible for:

- (a) Reviewing the policy at regular intervals and monitoring its effectiveness.
- (b) Maintaining a register of all fraud, irregularity, bribery and corruption incidents showing the nature of the incident and the outcome, including actions taken to prevent and detect similar incidents.

29. **The Audit Committee** is responsible for approving any proposed changes to the policy. Any alleged incidents of bribery or corruption that are investigated will be reported to the Committee.

Monitoring and review

30. The University will monitor and review its procedures designed to prevent bribery and corruption on an ongoing basis and make improvements where necessary.

31. Appropriate action will be taken in response to any reported incidents of fraud, irregularity, bribery or corruption.

32. This Policy will be reviewed by the University Secretary's Office at least every two years or, more frequently to take account of any legislative changes or changes in the University's activities. Any proposed revisions to the policy will be put to the Audit Committee for approval.

33. The University's systems of internal control, risk management controls and governance processes which include the adequacy of the anti-bribery procedures are reviewed by the internal auditors.

34. Compliance with mandatory training will be monitored and reported to the Audit Committee.

Investigating Fraud

35. The University has a Fraud and Bribery Response Plan which sets out how and who will be responsible for investigating the reported fraud.

Dissemination

36. This Policy shall be made available to all members of the Board of Governors, colleagues and individuals that carry out work for and on behalf of the University. It will be published on the University's website and staff intranet.